

1 AN ACT relating to education.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The School Code is amended by changing  
5 Section 14-7.03 as follows:

6 (105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

7 Sec. 14-7.03. Special Education Classes for Children from  
8 Orphanages, Foster Family Homes, Children's Homes, or in  
9 State Housing Units. If a school district maintains special  
10 education classes on the site of orphanages and children's  
11 homes, or if children from the orphanages, children's homes,  
12 foster family homes, other State agencies, or State  
13 residential units for children attend classes for children  
14 with disabilities in which the school district is a  
15 participating member of a joint agreement, or if the children  
16 from the orphanages, children's homes, foster family homes,  
17 other State agencies, or State residential units attend  
18 classes for the children with disabilities maintained by the  
19 school district, then reimbursement shall be paid to eligible  
20 districts in accordance with the provisions of this Section  
21 by the Comptroller as directed by the State Superintendent of  
22 Education.

23 The amount of tuition for such children shall be  
24 determined by the actual cost of maintaining such classes,  
25 using the per capita cost formula set forth in Section  
26 14-7.01, such program and cost to be pre-approved by the  
27 State Superintendent of Education.

28 On forms prepared by the State Superintendent of  
29 Education, the district shall certify to the regional  
30 superintendent the following:

31 (1) The name of the home or State residential unit

1 with the name of the owner or proprietor and address of  
2 those maintaining it;

3 (2) That no service charges or other payments  
4 authorized by law were collected in lieu of taxes  
5 therefrom or on account thereof during either of the  
6 calendar years included in the school year for which  
7 claim is being made;

8 (3) The number of children qualifying under this  
9 Act in special education classes for instruction on the  
10 site of the orphanages and children's homes;

11 (4) The number of children attending special  
12 education classes for children with disabilities in which  
13 the district is a participating member of a special  
14 education joint agreement;

15 (5) The number of children attending special  
16 education classes for children with disabilities  
17 maintained by the district;

18 (6) The computed amount of tuition payment claimed  
19 as due, as approved by the State Superintendent of  
20 Education, for maintaining these classes.

21 If a school district makes a claim for reimbursement  
22 under Section 18-3 or 18-4 of this Act it shall not include  
23 in any claim filed under this Section a claim for such  
24 children. Payments authorized by law, including State or  
25 federal grants for education of children included in this  
26 Section, shall be deducted in determining the tuition amount.

27 Nothing in this Act shall be construed so as to prohibit  
28 reimbursement for the tuition of children placed in for  
29 profit facilities. Private facilities shall provide adequate  
30 space at the facility for special education classes provided  
31 by a school district or joint agreement for children with  
32 disabilities who are residents of the facility at no cost to  
33 the school district or joint agreement upon request of the  
34 school district or joint agreement. If such a private

1 facility provides space at no cost to the district or joint  
2 agreement for special education classes provided to children  
3 with disabilities who are residents of the facility, the  
4 district or joint agreement shall not include any costs for  
5 the use of those facilities in its claim for reimbursement.

6 A school district that has administrative  
7 responsibilities for children who are wards of the State and  
8 who are placed in private residential facilities may also  
9 claim administrative expenses incurred by the district for  
10 these children.

11 Reimbursement for tuition may include the cost of  
12 providing summer school programs for children with severe and  
13 profound disabilities served under this Section. Claims for  
14 that reimbursement shall be filed by November 1 and shall be  
15 paid on or before December 15 from appropriations made for  
16 the purposes of this Section.

17 The State Board of Education shall establish such rules  
18 and regulations as may be necessary to implement the  
19 provisions of this Section.

20 Claims filed on behalf of programs operated under this  
21 Section housed in a jail or detention center shall be on an  
22 individual student basis only for eligible students with  
23 disabilities. These claims shall be in accordance with  
24 applicable rules.

25 Each district claiming reimbursement for a program  
26 operated as a group program shall have an approved budget on  
27 file with the State Board of Education prior to the  
28 initiation of the program's operation. On September 30,  
29 December 31, and March 31, the State Board of Education shall  
30 voucher payments to group programs based upon the approved  
31 budget during the year of operation. Final claims for group  
32 payments shall be filed on or before July 15. Final claims  
33 for group programs received at the State Board of Education  
34 on or before June 15 shall be vouchered by June 30. Final

1 claims received at the State Board of Education between June  
2 16 and July 15 shall be vouchered by August 30. Claims for  
3 group programs received after July 15 shall not be honored.

4 Each district claiming reimbursement for individual  
5 students shall have the eligibility of those students  
6 verified by the State Board of Education. On September 30,  
7 December 31, and March 31, the State Board of Education shall  
8 voucher payments for individual students based upon an  
9 estimated cost calculated from the prior year's claim. Final  
10 claims for individual students for the regular school term  
11 must be received at the State Board of Education by July 15.  
12 Claims for individual students received after July 15 shall  
13 not be honored. Final claims for individual students shall be  
14 vouchered by August 30.

15 Reimbursement shall be made based upon approved group  
16 programs or individual students. The State Superintendent of  
17 Education shall direct the Comptroller to pay a specified  
18 amount to the district by the 30th day of September,  
19 December, March, June, or August, respectively. However,  
20 notwithstanding any other provisions of this Section or the  
21 School Code, beginning with Fiscal Year 1994 and each fiscal  
22 year thereafter, if the amount appropriated for any fiscal  
23 year is less than the amount required for purposes of this  
24 Section, the amount required to eliminate any insufficient  
25 reimbursement for each district claim under this Section  
26 shall be reimbursed on August 30 of the next fiscal year.  
27 Payments required to eliminate any insufficiency for prior  
28 fiscal year claims shall be made before any claims are paid  
29 for the current fiscal year.

30 The claim of a school district otherwise eligible to be  
31 reimbursed in accordance with Section 14-12.01 for the  
32 1976-77 school year but for this amendatory Act of 1977 shall  
33 not be paid unless the district ceases to maintain such  
34 classes for one entire school year.

1           If a school district's current reimbursement payment for  
2 the 1977-78 school year only is less than the prior year's  
3 reimbursement payment owed, the district shall be paid the  
4 amount of the difference between the payments in addition to  
5 the current reimbursement payment, and the amount so paid  
6 shall be subtracted from the amount of prior year's  
7 reimbursement payment owed to the district.

8           Regional superintendents may operate special education  
9 classes for children from orphanages, foster family homes,  
10 children's homes or State housing units located within the  
11 educational services region upon consent of the school board  
12 otherwise so obligated. In electing to assume the powers and  
13 duties of a school district in providing and maintaining such  
14 a special education program, the regional superintendent may  
15 enter into joint agreements with other districts and may  
16 contract with public or private schools or the orphanage,  
17 foster family home, children's home or State housing unit for  
18 provision of the special education program. The regional  
19 superintendent exercising the powers granted under this  
20 Section shall claim the reimbursement authorized by this  
21 Section directly from the State Board of Education.

22           Any child who is not a resident of Illinois who is placed  
23 in a child welfare institution, private facility, foster  
24 family home, State operated program, orphanage or children's  
25 home shall have the payment for his educational tuition and  
26 any related services assured by the placing agent.

27           Commencing July 1, 1992, for each disabled student who is  
28 placed residentially by a State agency or the courts for care  
29 or custody or both care and custody, welfare, medical or  
30 mental health treatment or both medical and mental health  
31 treatment, rehabilitation, and protection, whether placed  
32 there on, before, or after July 1, 1992, the costs for  
33 educating the student are eligible for reimbursement under  
34 this Section providing the placing agency or court has

1 notified the appropriate school district authorities of the  
2 status of student residency where applicable prior to or upon  
3 placement.

4 The district of residence of the parent, guardian, or  
5 disabled student as defined in Sections 14-1.11 and 14-1.11a  
6 is responsible for the actual costs of the student's special  
7 education program and is eligible for reimbursement under  
8 this Section when placement is made by a State agency or the  
9 courts. Payments shall be made by the resident district to  
10 the district wherein the facility is located no less than  
11 once per quarter unless otherwise agreed to in writing by the  
12 parties.

13 When a dispute arises over the determination of the  
14 district of residence, the district or districts may appeal  
15 the decision in writing to the State Superintendent of  
16 Education. The decision of the State Superintendent of  
17 Education shall be final.

18 In the event a district does not make a tuition payment  
19 to another district that is providing the special education  
20 program and services, the State Board of Education shall  
21 immediately withhold 125% of the then remaining annual  
22 tuition cost from the State aid or categorical aid payment  
23 due to the school district that is determined to be the  
24 resident school district. All funds withheld by the State  
25 Board of Education shall immediately be forwarded to the  
26 school district where the student is being served.

27 When a child eligible for services under this Section  
28 14-7.03 must be placed in a nonpublic facility, that facility  
29 shall meet the programmatic requirements of Section 14-7.02  
30 and its regulations, and the educational services shall be  
31 funded only in accordance with this Section 14-7.03.

32 (Source: P.A. 89-235, eff. 8-4-95; 89-397, eff. 8-20-95;  
33 89-698, eff. 1-14-97; 90-463, eff. 8-17-97; 90-644, eff.  
34 7-24-98.)

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.